

### **REMARKS**

Applicants submit this Reply in response to the final Office Action mailed August 23, 2010 and the Advisory Action mailed December 1, 2010. Claims 14-26 are pending in this application, of which claims 23-26 have been withdrawn from consideration. Thus, claims 14-22 are submitted for examination on the merits. By this Reply, Applicants have amended independent claim 14. No new matter has been added.

In the Office Action, the Examiner rejected claims 14-19 and 21-22 under 35 U.S.C. § 102(b) as being anticipated by EP 0978487 ("Adler"). Additionally, the Examiner indicated that claim 20 would be allowable if rewritten in independent form. Applicants thank the Examiner for the indication of allowable subject matter.

Applicants respectfully traverse all pending rejections for at least the reasons discussed below.

### **Support for Claim Amendments**

By this Reply, Applicants have amended independent claim 14 to recite:

A burner for a vapour deposition process, comprising:

a central orifice for ejecting a glass precursor material, said central orifice being defined by an exit port comprising a circular central region and a plurality of radial regions extending from the central region, said exit port having a concave shaped cross-section in a radial plane; and

an annular orifice for ejecting an innershield gas, said annular orifice defined by at least a second and a third surface, said annular orifice surrounding said central orifice.

Support for this amendment can be found in Applicants' specification at least at page 5, lines 25-27. There, Applicants' specification explains, with respect to one

exemplary embodiment, "With reference to Figure 2, the central nozzle 10 preferably has a circular region 10a and a plurality of radial regions 10b extending from the central region 10a." Figure 2 clearly depicts the circular region 10a and the radial regions 10b:

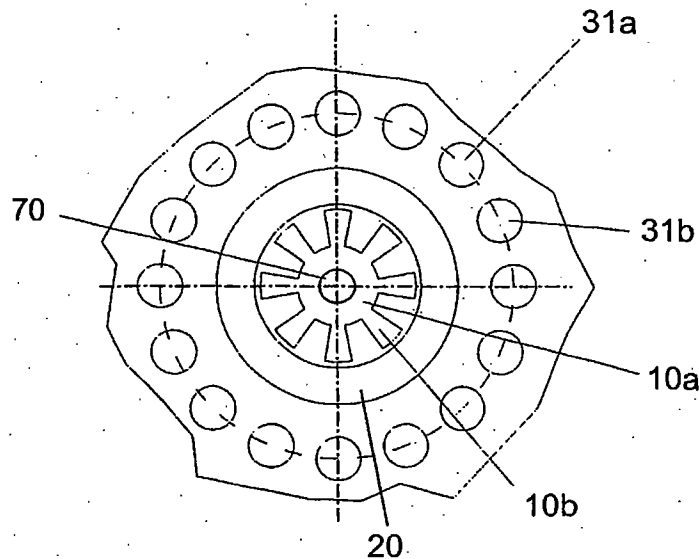


Fig. 2

Thus, Applicants' amendment is fully supported by the specification and no new matter has been introduced.

#### **Rejections Under 35 U.S.C. § 102**

Applicants respectfully traverse the rejection of claims 14-19 and 21-22 under 35 U.S.C. § 102(b) as being anticipated by Adler. In order to properly establish that Adler anticipates Applicants' claimed invention under 35 U.S.C. § 102, every element of the claims in issue must be found, either expressly or described under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Adler does not disclose every element recited in amended independent claim 14.

Amended independent claim 14 recites, in part, “A burner for a vapour deposition process, comprising: a central orifice for ejecting a glass precursor material, said central orifice being defined by an exit port comprising a circular central region and a plurality of radial regions extending from the central region, said exit port having a concave shaped cross-section in a radial plane . . . .”

In the Office Action, the Examiner asserts that Figures 4 and 4A of Adler depict a central nozzle having a concave cross-section. Specifically, the Examiner asserts, “See figure 4A and 4 of Adler (along with the associated relevant text). 203 is the central orifice with a concave shaped cross section (since it meets the definition set forth in the specification) and 204 is the annular orifice.” Final Office Action at 2. However, orifice 203 of Adler, like orifice 204, is an annular orifice, defined by two concentric surfaces or walls. The exit port of Applicants’ claims, on the other hand, comprises “a circular central region and a plurality of radial regions extending from the central region.” Nowhere does Adler disclose such features.

For at least these reasons, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 14 under 35 U.S.C. § 102(b) based on Adler. Furthermore, claims 15-22 depend from independent claim 14 and, thus, contain all the elements and recitations thereof. As a result, Applicants similarly request that the Examiner reconsider and withdraw the rejections of claims 15-22 under § 102(b).

**Claim Scope**

It is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that they are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicants' undersigned attorney at (404) 653-6435.

Applicants respectfully note that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicants respectfully decline to automatically subscribe to them.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 16, 2010

By: \_\_\_\_\_

Benjamin D. Bailey  
Reg. No. 60,539